

**REMARKS**

Claims 1 through 7 are pending in this application. Claims 1 through 3 have been amended. Care has been exercised to avoid the introduction of new matter. Indeed, adequate descriptive support for the present Amendment should be apparent throughout the originally-filed disclosure. For example, at page 9 of the written description of the specification, the ultimate full paragraph, it is made abundantly clear that the degassing step occurs **while** increasing the temperature. Applicants submit that the present Amendment does not generate any new matter issue.

Applicants would stress that the claims are clearly patentable over the previously applied references. One having ordinary skill in the art would have recognized that Applicants' contribution stems from the discovery of problems attendant upon prior art practices, as discussed at page 2 of the written description of the specification, line 17 through page 3, line 3. Specifically, Applicants discovered that an increase in the variation in the outer diameter in the longitudinal direction, when an optical fiber glass preform, having a length of 1000 mm or more, is treated at high temperatures such as 1490°C to 1600°C, is significantly affected by the weight thereof. Applicants also discovered that if the temperature is lowered below 1490°C, and the preform is heated for one hour or less, vitrification is not complete. Applicants address and solve that problem by conducting vitrification at a temperature of 1400°C to 1480°C, thereby avoiding undue variations in the outer diameter along the longitudinal direction as demonstrated in the examples in the specification, and also specify that such vitrification is conducted for a period of 70 minutes or more to ensure complete vitrification. That concept is not

suggested by the prior art, noting that the problem addressed and solved by the claimed invention is an indicium of **nonobviousness**. *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990); *In re Newell*, 891 F.2d 899, 13 USPQ2d 1248 (Fed. Cir. 1989); *In re Nomiya*, 509 F.2d 566, 184 USPQ 607 (CCPA 1975).

It should, therefore, be apparent that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Arthur J. Steiner  
Registration No. 26,106

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 AJS/lrd  
Facsimile: (202) 756-8087  
**Date: June 18, 2003**